UNITED NATIONS

CAT

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.
GENERAL

CAT/C/CR/28/1
12 June 2002

Original: ENGLISH

COMMITTEE AGAINST TORTURE
Twenty-eighth session
29 April-17 May 2002

## CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION

### Conclusions and recommendations of the Committee against Torture

### DENMARK

1. The Committee considered the fourth periodic report of Denmark (CAT/C/55/Add.2) at its 508th, 510th and 518th meetings on 2, 3 and 10 May 2002 (CAT/C/SR.508, 510 and 518) and adopted the following conclusions and recommendations.

### A. Introduction

2. The Committee welcomes the fourth periodic report of Denmark, which was submitted on time and in full conformity with the Committee's guidelines for the preparation of periodic reports. In particular, the Committee welcomes the way the State party has addressed the Committee's previous recommendations in a separate part of the report. The Committee also welcomes the fruitful and open dialogue between the representatives of the State party and itself.

### B. Positive aspects

3. The Committee commends the State party for maintaining a high level of respect for human rights in general and for its obligations under the Convention in particular, as well as for the active role it plays internationally in the fight against torture.

4. The Committee welcomes the recommendation made by the Committee set up by the Ministry of Justice to incorporate three main United Nations human rights treaties, including the Convention, into Danish domestic law.

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5. It also notes with satisfaction:

(a) The adoption of the Amendment to the Act on the Administration of Justice, which has greatly tightened the controls over the use of solitary confinement, decreasing its use as well as providing for judicial control over solitary confinement while in remand;

(b) The circulars of the National Commissioner of Police prescribing, inter alia, earlier access by family to detainees, mandatory medical examination of all persons placed in a detention cell, and access to a lawyer and an interpreter without delay;

(c) The adoption of legislation granting a more protective status to asylum-seekers;

(d) The efforts made in educational programmes for the police;

(e) The multidisciplinary treatment of persons living in Denmark who have been victims of torture;

(f) The increase in the State party's contribution to the United Nations Voluntary Fund for Victims of Torture and the continued support to national rehabilitation centres for torture victims.

## C. Subjects of concern

6. The Committee is concerned about the following:

(a) The lack of a definition of torture, as provided in article 1 of the Convention, in the penal legislation of the State party and the lack of a specific offence of torture punishable by appropriate penalties, as required by article 4, paragraph 2, of the Convention;

(b) The lack of effective recourse procedures against decisions imposing solitary confinement upon persons servicing sentences;

(c) The proposed amendment to the Alien's Act which may imply that aliens who have been refused a residence permit must leave the country immediately after the rejection of their application. If strictly applied, this will frustrate the effectiveness of article 22 of the Convention.

## D. Recommendations

7. The Committee recommends that:

(a) The State party ensure the speedy implementation of the recommendation of the Ad Hoc Committee with regard to incorporating the Convention into Danish domestic law;

(b) Denmark establish adequate penal provisions to make torture as defined in article 1 of the Convention a punishable offence in accordance with article 4, paragraph 2, of the Convention;

(c) The State party continue to monitor the effects of solitary confinement on detainees and the effects of the new bill, which has reduced the number of grounds that can give rise to solitary confinement and its length;

(d) The law governing solitary confinement for convicted prisoners establish adequate review mechanisms relating to its determination and duration;

(e) The State party ensure that the proposed amendment to the Aliens Act does not frustrate effective recourse by aliens to the Committee as provided in article 22 of the Convention;

(f) The State party widely disseminate the Committee's conclusions and recommendations, in all appropriate languages, in the country.

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